

No. 11(112)3Lab-78/11382.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workwoman and the management of M/s Continental Device India Ltd., Mathura Road, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No 364 of 1978

between

SHRIMATI OMANA KUTTY, WORKWOMAN AND THE MANAGEMENT OF M/S CONTINENTAL DEVICE INDIA LTD., MATHURA ROAD, FARIDABAD

Present :—

Shri Jawahar Lal, for the workwoman.

Shri K. P. Aggarwal, for the management.

AWARD

By order No. ID/FD/111-78/38753 dated the 24th August, 1978, the Governor of Haryana referred the following dispute between the management of M/s Continantal Divice India Ltd., Matbura Road, Faridabad and its workwoman Smt. Omana Kutty, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Smt. Omana Kutty was justified and in order ?
If not, to what relief is she entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The dispute was settled. The workwoman received a sum of Rs 310 only from the management in full and final settlement of his claims and dispute. The photostat copy of the settlement Ex. M-1 was produced by the management which witnesses full and final settlement. In view of the settlement I give my award that the workwoman has settled her dispute with the management after receiving all her dues and claims and the dispute has been satisfied and that the termination of services of the workwoman was justified and in order. She is not entitled to any relief.

NATHU RAM SHARMA,

Dated the 7th December, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1203, dated the 14th December, 1978.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)3 Lab-78/11385.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Anand Synthetics Ltd., Mathura Road, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 39 of 1978

between

SHRI SABHAPATI PANDEY WORKMAN AND THE MANAGEMENT OF M/S. ANAND
SYNTHETICS LTD., MATHURA ROAD, FARIDABAD.

Present :—

Shri Jawahar Lal for the workman,

Shri O. P. Tyagi, for the management

AWARD

By order No. 1D/FD/663-77/4106, dated 2nd February, 1978, the Governor of Haryana, referred the following the dispute between the management of M/s. Anand Synthetics Ltd., Mathura Road, Faridabad and its workman Shri Sabhapati Pandey to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Sabhapati Pandey was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 6th July, 1978:—

1. Whether the reference is bad in law and the Tribunal has no jurisdiction?
2. Whether the termination of services of Shri Sabhapati Pandey was justified and in order? If not, to what relief is he entitled?

The case was fixed for the evidence of the management. The case was adjourned three times, some time at the request of both the parties and some time at the request of either of the parties. On the 5th December, 1978, representative for the workman stated that he did not want to appear in this case. Hence the case was proceeded ex-parte against the workman and was fixed for ex-parte evidence of the management. The management examined Shri K.B. Kumar their Personnel Officer as their witness who deposed that the workman had resigned and his resignation was accepted. The resignation is Ex.M-1 and acceptance is Ex. M-2. He also produced Ex. M-3 and M-4 and closed their case.

I am satisfied from the statement of MW-1 that the workman resigned his job of his own and his resignation was accepted and the management never terminated his services. I answer the reference and give my award that the workman Shri Sabhapati Pandey has resigned his job of his own and the management did not terminate his services. He is not entitled to any relief.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 7th December, 1978.

No. 1201, dated the 14th December, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-78/11386.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Continental Device India Ltd., Mathura Road, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL, TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 371 of 1978

between

SMT. POONAMA M. K. WORKWOMAN AND THE MANAGEMENT OF M/S CONTINENTAL
DEVICE INDIA LTD., MATHURA ROAD, FARIDABAD

Present :—

Shri Jawahar Lal for the workwoman.

Shri K. P. Agarwal for the management.

AWARD

By order No. ID/FD/109/78/38760, dated 24th August, 1978, the Governor of Haryana referred the following dispute between the management of M/s Continental Device India Ltd., Mathura Road, Faridabad and its workwoman Smt. Poonama M.K. to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Smt. Poonama M. K. was justified and in order ?
If not, to what relief is she entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. They settled their dispute. The workwoman received a sum of 550 only from the management and gave up his dispute. In view of the settlement I give my award that the termination of services of Smt. Poonama M. K. the workwoman concerned was justified and in order ? She is not entitled to any relief.

NATHU RAM SHARMA,

Dated the 7th December, 1978.

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 1200, dated the 14th December, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

The 29th December, 1978

No. 11(112)3Lab-78/11372.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Hindustan Prestressed Concrete Structures (P) Ltd., Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 34 of 1977

between

SHRI ASHOK KUMAR WORKMAN AND THE MANAGEMENT OF M/S. HINDUSTAN
PRESTRESSED CONCRETE STRUCTURES (P) LTD., FARIDABAD

Present :—

Shri Bhim Singh Yadav, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/825/21988, dated 4th June, 1977, the Governor of Haryana, referred the following dispute between the management of M/s. Hindustan Prestressed Concrete Structures (P) Ltd., Faridabad and its workman Shri Ashok Kumar, to this Court, for adjudication, in exercise of the powers conferred by clause (c) sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ashok Kumar was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notice were issued to the parties. The parties appeared and filed their pleadings. This reference was consolidated with reference No. 33 of 1977, as there was a common question of law and facts and both the parties had consented to. The evidences were ordered to be recorded and proceedings ordered to be taken in reference No. 33, which shall be read as evidence and treated as proceedings, respectively, in this reference also. Issues were also struck but they also appeared in reference No. 33 of 1977. Detailed discussions on issues has been made in reference No. 33 of 1977. I reproduce these issues which were framed in reference No. 33 of 1977, as they are issues in this reference also :—

- (1) Whether each one of Shri Shyam Lal and other and Shri Ashok Kumar was in the employment of the management concerned as a workman on the date of the alleged termination of his services by them?
- (2) Whether the reference is bad in law as being belated and politically motivated?
- (3) In case of proof of issue No. 1 and non-proof of issue No. 2 whether the termination of services of the workmen as per list enclosed was justified and in order? If not, to what relief are they entitled?

I now give my findings on the issues :—

Issue No. 1 :—I decide issue No. 1 against the workman,—*vide* my detailed discussions in the award given by me in reference No. 33 of 1977.

Issue No. 2 :—I decide issue No. 2 against the management, detailed discussion has been given on this issue in my award given by me in reference No. 33 of 1977.

Issue No. 3 :—Similarly my findings on issue No. 3 given in my award in reference No. 33 of 1977 is the findings given by me in this reference. This issue is not necessary to be decided in view of my findings on issues No. 1 and 2. Similar is my finding on issue No. 3 in my award in reference No. 33 of 1977,—*vide* my detailed discussions of evidence in my award given by me in reference No. 33 of 1977 and as a result thereof I hold that the workman was not the employee of the management and the question of termination of services by the management does not arise. As a result of my findings on the issues, based on detailed discussions of evidence contained in my award in reference No. 33 of 1977, I answer the reference and give my award that the workman was not the employee of the management at the relevant period and the management has not terminated his services, hence the question of justifiability or otherwise of termination of services does not arise. The workman was not the employee of the management. The management could not and did not terminate his services, and the workman is not entitled to any relief. Relation of Employer and between the workman and the management has not been found to have exists.

NATHU RAM SHARMA,

Dated the 20th October, 1978.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1211, dated the 14th December, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.